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Chairman: Mr. Belinga-Eboutou ..... (Cameroon)

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The meeting was called to order at 3:20 p.m.

Agenda item 116: Right of peoples to self-determination *(continued)* (A/C.3/58/L.31)

Draft resolution A/C.3/58/L.31: Universal realization of the right of peoples to self-determination

1. **The Chairman** invited the Committee to take a decision on draft resolution A/C.3/58/L.31.

2. **Ms. Hall** (Saint Vincent and the Grenadines) said that her country wished to withdraw its name from the list of sponsors of the draft resolution, given the deterioration of the conditions under which it had been submitted. Her delegation would vote in favour of the text.

3. **Mr. Gopinathan** (India) said he would vote against the draft resolution because some of the comments made by Pakistan on behalf of the sponsors represented a threat against the unity and territorial integrity of India. The delegation of Pakistan had already called into question the territorial integrity of India in his previous statement to the Third Committee on the agenda item currently under discussion.

4. Pakistan's interpretation of the wording of the draft resolution had nothing to do with the principle it was supposed to promote. It was surprising that the main author of the text should have mentioned two agreements it had not adhered to itself. It was disappointing that the draft resolution did not take its inspiration from United Nations declarations and resolutions concerning the right to self-determination in its broadest sense; that right did not entail a right to break up, either wholly or partially, the territorial integrity or the political unity of sovereign independent States which respected the principles of equality under the law and self-determination of peoples and which had democratic governments. Such an interpretation would be incompatible with the goals and principles set forth in the United Nations Charter and reaffirmed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, of 24 October 1970, and in the Vienna Declaration and Programme of Action adopted in 1993.

5. In the present-day world, self-determination included the right to participate in elections organized in an atmosphere of freedom and the possibility for all ethnic, religious and linguistic minorities to preserve their identity while participating actively in the life of their country. The principle of self-determination was based on democracy, equality, secularity and the rule of law. Unfortunately, the people of Pakistan could not enjoy that right, which had been denied them by one military regime after another. India was a strong advocate of the universal realization of the right of peoples to self-determination, as set forth in the Charter of the United Nations, in the international agreements on human rights and in the Declaration on the Granting of Independence to Colonial Countries and Peoples; however, it was opposed to that principle being invoked in order to break up its territorial integrity.

6. India fully supported the cause of Palestine and had sponsored the draft resolution on the right of the Palestinian people to self-determination. His delegation deeply regretted the fact that the main sponsor of the draft resolution on self-determination should disparage the Palestinian cause in order to serve its own territorial ambitions. The text was unacceptable, and he asked for a vote. His delegation would vote against the draft resolution.

7. *A recorded vote was taken on the draft resolution.*

In favour:

Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Comoros, Congo, Costa Rica, Croatia, Cuba, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Ghana, Guatemala, Honduras, Iran (Islamic Republic of), Ireland, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Qatar, Republic of Korea, Saint Lucia, Saint

Vincent and the Grenadines, Samoa, Saudi Arabia, Singapore, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela, Viet Nam, Yemen.

Against:

Bhutan, India, Mauritius.

Abstaining:

Andorra, Antigua and Barbuda, Bahamas, Barbados, Belgium, Belize, Benin, Botswana, Cambodia, Colombia, Côte d'Ivoire, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guyana, Hungary, Iceland, Indonesia, Israel, Italy, Jamaica, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Micronesia (Federated States of), Monaco, Namibia, Netherlands, Norway, Poland, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Marin, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America.

8. *Draft resolution A/C.3/58/L.31 was adopted by 88 votes to 3, with 64 abstentions.*[1]

9. **Ms. Thandar** (Myanmar) said that her delegation had voted in favour of the draft resolution because her country had always promoted the principle of the right of peoples to self-determination.

10. **Mr. Fox** (United States of America) said that his delegation had abstained, but would encourage like to India and Pakistan to settle their differences, bearing in mind the common interests of the parties concerned.

11. **Mr. García Moritán** (Argentina) said that the text of the draft resolution should be interpreted in the light of relevant resolutions of the General Assembly and the Special Political and Decolonization Committee, such as those relating to the question of the Malvinas Islands, particularly resolution 2065(XX) and subsequent resolutions the terms of which he called to mind. His Government wished to reiterate, in keeping with resolutions 1514(XV) and 2625(XXV), its full support for the right to self-determination of peoples who wished to free themselves from colonial domination and foreign occupation. In the case of the Malvinas Islands, and to be consistent with United Nations doctrine, the principle of territorial integrity should be applied in order to prevent efforts to undermine the national unity and the territorial integrity of Argentina. His Government had stressed that principle in its interpretative declaration on the Millennium Declaration (A/55/371).

12. **Ms. Davtyan** (Armenia) said that her delegation was a sponsor of the draft resolution and had voted for it. She wished to point out, however, that the justification for applying the principle of self-determination of peoples and the references to specific situations that had been made by the main sponsor in introducing the draft resolution were contrary to the spirit and the purpose of the text, which dealt with a universal principle. Certain parts of the introductory statement did not reflect the views of the Armenian Government.

13. **Mr. Mavroyiannis** (Cyprus) said that his delegation had abstained with regret. Although it attached great importance to the principle embodied in the draft resolution, the context in which it had been adopted was inappropriate. Unfortunately, the question of the self-determination of peoples had been unduly politicized during the introduction of the draft resolution, and some delegations had tried to focus the debate on one specific issue.

14. **Mr. Traoré** (Burkina Faso), recalling that his country had come into existence as a result of a colonial process, said that he was aware of the drama involved in such a situation. Unfortunately, though, the debate on the principle of the self-determination of peoples had turned into a strictly bilateral exchange. His delegation's vote in favour of .he draft resolution did not mean that it was taking sides with any specific

[1] The delegations of the Dominican Republic and Turkmenistan later informed the Committee that if they had been present at the meeting, they would have voted in favour of the draft resolution; the delegation of Fiji said that if it had been present, it would have abstained. The delegation of Nepal said that its vote had not been recorded and that it wished to abstain.

country, but rather that it supported a fundamental principle of international law.

15. **Mr. Wood** (United Kingdom) said he wished to reply to the statement made by the representative of Argentina regarding the sovereignty of the Falkland Islands. The position of the United Kingdom had been reaffirmed in a written right of reply addressed to the United Nations on 25 September 2003 by the Permanent Representative of the United Kingdom.

16. **Mr. Sinaga** (Indonesia) said that his delegation was firmly in favour of the universal realization of the right of peoples to self-determination; however, the text of the draft resolution could be interpreted in different ways and posed difficulties for some delegations. His country had therefore abstained from voting and hoped that in future, the draft resolution would be formulated in such a way as to better reflect the views of Member States that truly supported the right to self-determination.

17. **Mr. Dhakal** (Nepal) said that although his delegation believed in the universal realization of the right to self-determination, it would have preferred it if there had not been a recorded vote. During the debate on the agenda item in question, the specific references to an issue that should have been settled bilaterally had placed his delegation in a difficult position. That was why his delegation had decided to abstain.

18. **Mr. Laurin** (Canada), speaking on behalf of Canada, Australia and New Zealand, said that those countries had voted for the draft resolution because they firmly supported the principle of the universal realization of the right of peoples to self-determination. The debate on the draft resolution had been most unfortunate, however, and they hoped that it would not be repeated.

19. **Mr. Barriga** (Liechtenstein) said that his country had always been a fervent advocate of the right of peoples to self-determination. People should be able to exercise that right in any period and historical circumstance. In accordance with General Assembly resolution 2625 (XXV), that right should be reflected in different forms and degrees of autonomy and should open the way for free elections. Although his delegation was persuaded of the historical importance of proclaiming the right of peoples to self-determination in the decolonization process, a process that represented one of the most important achievements of the Organization, it felt that the current text of the draft resolution was incomplete. He had therefore abstained from voting. It was unfortunate that the Committee had not been able to reach a consensus, as it usually had in the past. Liechtenstein hoped that it would be able to join a consensus at the next session of the General Assembly.

20. **Ms. Zewdie G. Mariam** (Ethiopia) said that her delegation had voted for the draft resolution because it was based on the principles enshrined in the United Nations Charter and in the constitution of her country. Her delegation's position should not be interpreted as anything other than its adherence to the universality of the principle of self-determination.

21. **Ms. Silvestre** (Portugal) said that her delegation had voted for the draft resolution because it supported the right to self-determination; however, it regretted that the debate had digressed and focused on specific cases.

22. **Mr. Gansukh** (Mongolia), supported by Ms. Pires (Cape Verde), said that he had voted for the draft resolution, but that his vote merely expressed his adherence to the principle set forth in the text.

23. **Ms. Uluiviti** (Fiji) said that her delegation was disappointed that the resolution had not been adopted without a vote. She endorsed the statement made by the representative of Liechtenstein. The question of decolonization was still a relevant one in her region. The people of Fiji had always shared the aspiration of peoples to self-determination. Her delegation hoped that in future, the resolution would not lead to unpleasant discussions.

24. **Mr. Luttirotti** (Austria) said that his delegation had voted for the draft resolution only because of its content. The discussion that had taken place was regrettable.

25. **Mr. Akram** (Pakistan) thanked all the delegations that had reaffirmed their support for the principle of self-determination in spite of the controversy that had been created artificially at the previous meeting. After commenting on the circumstances surrounding the adoption of the draft resolution, he stressed that it was not a question of voting on a particular issue or principle, but rather on the fundamental principles enshrined in the United Nations Charter, on which most of the States Members of the Organization had been founded.

26. His delegation had not intended to create a controversy regarding a resolution that it had submitted every year for the past twelve years, often with comments on situations in which the right to self-determination had been rejected, and which had always been adopted by consensus. Just as reference might have been made to the situation of Namibia or South Africa, and had in fact been made to Palestine, the situation of Jammu and Kashmir had come up. The Security Council had adopted several resolutions demanding that the people of that State should be able to exercise their right to self-determination.

27. The controversy on the draft resolution that had arisen during the current session had been created by India. Although in previous years, the Indian delegation had always joined the consensus, it was now moved by a sense of power vis-à-vis the United Nations and Pakistan and had encouraged all delegations to vote against the draft resolution.

28. Far from wanting to impose the matter of Kashmir on the Committee, Pakistan had reaffirmed its support for the cause of the people of Kashmir who had been victims of the brutality of 700 000 soldiers deployed by India in a territory that was no larger than Belgium. The Indian troops had killed 80 000 and mutilated 50 000 people in Kashmir, not counting the hundreds of thousands of women who had been raped. If the international community considered the issue to be a controversial one, his delegation would not dwell on it further. He wished to point out, however, that the Security Council had decided that the people of the territory should have the right to choose their destiny. Kashmir, which appeared on United Nations maps as a disputed territory, had never been and never would be an integral part of India. The population of Jammu and Kashmir, like all peoples who had been under foreign colonial rule, would eventually triumph, and India must realize that.

29. His delegation reaffirmed that it did not want to create a controversy; it introduced draft resolutions on behalf of the sponsors with due regard for their wishes. The population of Jammu and Kashmir should not be denied their right to self-determination, and India could not impose its will on the people of that territory, on Pakistan or on the Third Committee.

30. **Ms. Naz** (Bangladesh) said that the universal realization of the right of peoples to self-determination was a fundamental principle for her country, which had achieved sovereignty after a long struggle for independence. It was because of her delegation's strong conviction on that matter that it had decided to sponsor the draft resolution and had voted for it.

31. **Ms. Astanah Banu** (Malaysia) said it was significant that certain members of the European Union, including some former empire builders, had considered it necessary to abstain on a resolution that was based on the principle of the right to self-determination, a principle that was embodied in the United Nations Charter. As a former colony, Malaysia was not indifferent to the situation.

32. **Mr. Alaei** (Islamic Republic of Iran) said that his country, which believed in the right of peoples to self-determination, had always been a sponsor of the draft resolution and had now once again voted for it.

33. **Mr. Harrington** (Ireland) said that his delegation had voted in favour of the resolution because it firmly believed in the right to self-determination. He regretted the circumstances in which it had been introduced, as well as the discussion which had arisen at the previous meeting.

34. **Mr. Amorós Núñez** (Cuba) stressed that the only reason his delegation had voted for the draft resolution was that it supported the right of peoples to self-determination. That principle, which was enshrined in the Charter of the United Nations, was very important to Cuba.

35. **Mr. Gopinathan** (India) said that, although he would not reply to all the points raised by the representative of Pakistan, his delegation rejected all the insinuations and accusations made by Pakistan. The true motivation and intentions of Pakistan had only served to dispel any doubt some delegations might have had, and they would be able to draw their own conclusions.

36. **Mr. Boonpracong** (Thailand) said that for several years, Thailand had sponsored the draft resolution on the universal realization of the right of peoples to self-determination. His delegation had once again supported the draft resolution, thus reaffirming its adherence to that principle.

37. **Mr. Ndekhedehe** (Nigeria) said that his country, which traditionally had supported the resolution year after year, was at the forefront of the struggle against the cruel practice of apartheid. Its conviction had been forged out of that commitment.

38. **Ms. Kang** Kyung-wha (Republic of Korea) said that after careful reflection, her delegation had voted in favour of the resolution. Despite the regrettable exchanges of view that had taken place, the Republic of Korea, which had traditionally sponsored the resolution, had decided to continue supporting the principles set forth in the resolution because what was important was the outcome of the deliberations. Her delegation hoped that future discussions on such an important issue would be free of the acrimony that had characterized the debate at the current session.

39. **Ms. Staznik** (Croatia) said that her delegation had voted for the resolution based on the merits of the text. The Croatian delegation deeply regretted the tone of the Committee's discussion at the previous meeting.

40. **Mr. Tehov** (Bulgaria) said that his country had voted for the resolution because it had always supported the principle of the right of peoples to self-determination. His delegation deeply regretted the acrimonious debate that had preceded the adoption of the resolution and hoped that at the next session, it would once again be possible to adopt it by consensus.

Agenda item 117 (b): Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)* (A/C.3/58/L.50, A/C.3/58/L.51, A/C.3/58/L.53, A/C.3/58/L.54, A/C.3/58/L.55, A/C.3/58/L.56, A/C.3/58/L.58, A/C.3/58/L.60)

Draft resolution A/C.3/58/L.50: Enhancement of international cooperation in the field of human rights

41. **The Chairman** said that the draft resolution had no programme budget implications. He announced that China had become a sponsor of the draft resolution.

42. **Ms. Astanah Banu** (Malaysia), speaking on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries, said she hoped that the resolution would once again enjoy the full support of all delegations and that it would be adopted by consensus.

43. *Draft resolution A/C.3/58/L.50 was adopted without a vote.*

Draft resolution A/C.3/58/L.51: Human rights and unilateral coercive measures

44. **The Chairman** said that the draft resolution had no programme budget implications. He announced that China had become a sponsor.

45. **Ms. Astanah Banu** (Malaysia) read out a correction, as follows: The footnote shown with an asterisk should read: "On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries". The Movement of Non-Aligned Countries had continued to submit the draft resolution because unfortunately, certain countries were still applying unilateral coercive measures against other countries that were developing countries. Those measures, as well as their extraterritorial effects, created further obstacles to the full realization of all human rights and hindered the development process. She hoped that all delegations would vote for the resolution so as to express their rejection of the use of unilateral coercive measures.

46. *A recorded vote was taken on the draft resolution.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua-New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad

and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Marin, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Georgia.

47. *Draft resolution A/C.3/58/L.51 was adopted by 118 votes to 50, with one abstention.*

48. **Mr. Choi** (Australia), speaking on behalf of Australia, Liechtenstein, New Zealand and Switzerland, said that the report of the Secretary-General on unilateral coercive measures (A/58/279), prepared pursuant to the resolution adopted at the fifty-seventh session, did not include any replies to the note verbale sent to States requesting their views. In paragraph 9 of the draft resolution, the Secretary-General was asked to "continue to collect the views" of Member States and to submit an analytical report thereon at the next session. He wondered how the Secretary-General could "continue to collect" views which apparently did not exist. He pointed out that the matter had been brought to the attention of the sponsors of the draft resolution well in advance of its adoption.

Draft resolution A/C.3/58/L.53: The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

49. **Mr. de Barros** (Secretary of the Committee) read out a note from the Programme Planning and Budget Division concerning the draft resolution. In that note, the Division referred to article 14 of the draft resolution, in which the General Assembly requested the United Nations High Commissioner for Human Rights to provide the necessary resources for the effective fulfilment of the Special Rapporteur's mandate from within existing resources. Allocations for such activities had already been included in the programme budget for the current biennium and would be included in the draft programme budget for the 2004-2005 biennium. Consequently, if the draft resolution was adopted, no additional appropriations would be needed. The note drew the attention of the Committee to the provisions of General Assembly resolution 45/248B, section VI, in which the Assembly reaffirmed that the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions were the appropriate bodies entrusted with responsibilities for administrative and budgetary matters.

50. **The Chairman** announced that in addition to those listed in the document, the following delegations had become sponsors of the draft resolution: Afghanistan, Angola, Antigua and Barbuda, Azerbaijan, Bolivia, Burkina Faso, El Salvador, France, Germany, Kenya, Lithuania, Mali, Nigeria, Norway, Portugal and Sierra Leone. The representative of Brazil had orally revised the draft resolution when introducing it.

51. **Mr. de Barros** (Secretary of the Committee) read out the amendments that had been made. The seventh preambular paragraph, which began with the words "Noting also general recommendation 24", should be deleted. The last preambular paragraph should read as follows: "Recalling the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and Public Health adopted at the Fourth World Trade Organization Ministerial Conference in Doha in November 2001, and welcoming the World Trade Organization General Council decision of 30 August 2003 on the implementation of paragraph 6 of the Declaration". Finally, in paragraph 16, the phrase "in its resolution 2003/28", which appeared after the words "Commission on Human Rights to the Special Rapporteur", should be deleted.

52. **Mr. Meyer** (Brazil) thanked the delegations that had joined in sponsoring the draft resolution and announced that Austria, Finland, Greece, Honduras, Ireland, Italy, Liechtenstein and Switzerland had also become sponsors. The right to health was the right that was most closely associated with the right to life and to the spirit of brotherhood that was the main source of inspiration for the international community's efforts to promote and protect all human rights. The realization of the right to health was extremely important, especially for the accomplishment of the Millennium Development Goals, and it should therefore receive special attention at both the national and the international levels.

53. **Mr. Moutari** (Niger) said that his country wished to become a sponsor of the draft resolution.

54. **The Chairman** said that a recorded vote had been requested.

55. **Mr. Meyer** (Brazil) asked which country had requested the recorded vote.

56. **The Chairman** said the recorded vote had been requested by the United States.

57. **Mr. Roshdy** (Egypt) said that his delegation would vote for the draft resolution because it believed that everyone had the right to enjoy the highest attainable standard of physical and mental health. However, it did not share the views of the representative of Brazil who, when introducing the draft resolution, had mentioned certain controversial groups and made certain discriminatory remarks. The right to health should be guaranteed for all, independently of the status of the persons concerned.

58. **Mr. Wood** (United Kingdom of Great Britain and Northern Ireland), speaking also on behalf of Sweden, reaffirmed his country's commitment to the realization of all economic, social and cultural rights, including the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and reiterated his support for the Special Rapporteur on the matter.

59. The British and Swedish delegations would have preferred it if the reference to the Special Rapporteur in paragraph 11 had been couched in more general terms, without underscoring specific aspects of his work. In particular, the reference to "the responsibilities of States at all levels" raised questions on which international consensus was not a certainty. Paragraph 13 seemed to imply that the operation of market forces might jeopardize the progressive realization of the right of everyone to the highest attainable standard of physical and mental health, which was primarily the responsibility of States. In other words, activities that were not under the control of the State could automatically give rise to a human rights violation.

60. The United Kingdom and Sweden would have liked to join the sponsors of the draft resolution, but the efforts they and the European Union had made to solve those difficulties with Brazil had proven fruitless. Consequently, they would abstain from voting.

61. **Ms. Sorenson** (United States) said that her country attached great importance to the improvement of public health and the fight against the worldwide threat of HIV/AIDS. Its concern was demonstrated by the President's emergency plan, the global surveillance initiatives and the financial commitment made by the United States to the prevention of non-contagious diseases that were increasingly affecting the developing countries.

62. Her delegation did not question the need to set goals and promote health, but it felt that policies and measures in that area should be based on scientific evidence and facts rather than on the concept of rights. In particular, her delegation objected to the second preambular paragraph.

63. During the negotiations, the United States delegation had unsuccessfully proposed changing the wording of the draft resolution so as to use previously agreed formulations, such as those included in the Constitution of the World Health Organization and the Madrid Political Declaration on Ageing. Her delegation had not been in favour of appointing a special rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The Rapporteur's interim report should have been mentioned in a more neutral tone, but her delegation would try to cooperate with him.

64. Finally, paragraph 13 of the draft resolution placed the emphasis on market forces instead of encouraging research, even though successful partnerships between the public and private sectors aimed at obtaining more resources for research had increased, particularly in the context of the struggle against diseases affecting the developing countries. Her delegation would vote against the draft resolution.

65. *A recorded vote was taken on the draft resolution.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Marin, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Australia, Czech Republic, Jordan, Sweden, United Kingdom of Great Britain and Northern Ireland.

66. *Draft resolution A/C.3/58/L.53 was adopted by 166 votes to one, with 5 abstentions.*

67. **Ms. Grollová** (Czech Republic) said that the fact her delegation had abstained did not mean that it had any problem with the right in question. She hoped that at the next session, the negotiations would make it possible for her delegation to join the delegations voting in favour of the draft resolution.

Draft resolution A/C.3/58/L.54: Human rights and terrorism

68. **The Chairman** said that the draft resolution had no programme budget implications. He announced that Bhutan, El Salvador, Ethiopia, Qatar and the United Republic of Tanzania had become sponsors.

69. **Mr. Osmane** (Algeria) announced that Eritrea, Madagascar, Pakistan, Sri Lanka, Tajikistan and Tunisia had also become sponsors of the draft resolution. Recalling the remarks made by his delegation when introducing the draft, he stressed the need for the international community to cooperate fully in the struggle against terrorism, especially by strengthening the means of action and further sensitizing public opinion about the extremely serious threat it posed. Any hesitation on the part of the international community could be interpreted by the terrorists as a sign of weakness and impotence. Algeria categorically condemned terrorism, inasmuch as it constituted a violation of human rights, particularly the right to life. The extremist views underlying terrorism were directed at paralyzing social, cultural and political life, hindering the effective exercise of fundamental freedoms and causing the failure of democracy; moreover, terrorists acted outside the law. The Algerian delegation urged all delegations to vote for the draft resolution.

70. **The Chairman** announced that Nepal and Kyrgyzstan had become sponsors of the draft resolution. A recorded vote had been requested.

71. **Mr. Tekin** (Turkey) asked which delegations had requested a recorded vote.

72. **The Chairman** replied that Australia, Canada and the United States had requested a recorded vote.

73. **Mr. Nikiforov** (Russian Federation) said that his delegation supported draft resolution A/C.3/58/L.54, of which it was a sponsor. Referring to the Vienna Declaration and Programme of Action and the report of the Secretary General on the Implementation of the United Nations Millennium Declaration (A/58/323), he stressed that terrorism was a worldwide phenomenon that affected every area of international cooperation, including that of human rights. At the fifty-seventh session of the General Assembly, the Minister for Foreign Affairs of the Russian Federation had spoken of the need to draw up an effective code for the protection of human rights against terrorism, and he was pleased that the draft resolution took into account all the elements proposed in document A/C.3/57/7. In view of recent events, his delegation attached great importance to the provisions of paragraph 9 of the draft resolution and called on all delegations to vote for it, should it not be possible to adopt it by consensus.

74. **Ms. Gorove** (United States) said that her country was only too familiar with the suffering and pain caused by terrorists. Recalling the events of 11 September 2001, she reaffirmed her country's commitment to the fight against terrorism. Her delegation regretted that it would have to vote against the draft resolution because despite the efforts made by the United States to reach a consensus, the sponsors had persisted in using language that was unacceptable to her country and to other delegations.

75. *A recorded vote was taken on draft resolution A/C.3/58/L.54.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, Georgia, Ghana, Grenada, Guatemala, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Serbia and Montenegro, Slovakia, Slovenia, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Andorra, Argentina, Armenia, Bolivia, Brazil, Chile, Cyprus, Fiji, Israel, Japan, Nauru, New Zealand, Papua New Guinea, Syrian Arab Republic, Republic of Moldova, Saint Marin, Spain.

76. *Draft resolution A/C.3/58/L.54 was adopted by 111 votes to 39, with 17 abstentions.*

77. **Ms. Borzi** (Italy), speaking on behalf of the European Union and associated States, reaffirmed those delegations' strong condemnation of terrorism in all its forms and manifestations and said that the struggle against that scourge was an absolute priority for all Member States of the European Union. That

struggle must be carried out with full respect for human rights and fundamental freedoms and in compliance with international human rights instruments. Her delegation could not therefore endorse statements to the effect that acts of terrorism constituted a violation of human rights. The European Union was of the view that such acts, which were criminal offences, compromised the effective exercise of human rights, but it was important to make a distinction between criminal offences committed by individuals and those that were imputable to States, which had the legal obligation to protect human rights enshrined in international legislation. For that reason, the European Union did not support draft resolution A/C.3/58/L.54.

78. **Ms. Al Haj Ali** (Syrian Arab Republic) said that her delegation condemned all terrorist activities, which were criminal acts against the security and sovereignty of States, but it had abstained from voting for three reasons.

79. In the first place, the text did not mention General Assembly resolution 46/51 of 9 December 1991, which had been adopted by consensus and which was referred to in Commission on Human Rights resolution 1997/42. In that regard, Syria reiterated the need to arrive at a definition of international terrorism that would be accepted by all Member States. It was also important to reaffirm the provisions of resolution 46/51 regarding the right to self-determination, freedom and independence. Finally, her delegation wished to stress again the need to establish a distinction between terrorism and the just struggle of peoples for national liberation; if that distinction was not made, the debate on terrorism would be in vain.

80. **Mr. de Ory** (Spain) said that he endorsed the statement made by Italy; however, speaking on behalf of his own delegation, he stressed that the struggle against terrorism, to which his Government attached high priority, should be conducted with full respect for the rule of law and international legislation. It was not acceptable to ignore the tragic fate of the victims of terrorism when considering the question of terrorism and human rights. The international community must continue to express sympathy and condolences to all the victims of terrorism and to their families, and the Spanish delegation hoped that in future, more time would be devoted to that issue. The draft resolution included certain references that were questionable from a legal standpoint; however, unlike most of the other Member States of the European Union, which had voted against the text, his delegation had decided to abstain.

81. **Mr. Stamate** (Romania) said that as a country associated with the European Union, Romania endorsed the statement made by Italy.

82. **Mr. Zeidan** (Lebanon) said that his delegation had voted for the draft resolution because of its concern regarding the human rights violations perpetrated by terrorists. Nevertheless, the text was incomplete because it did not include a detailed and universal definition of terrorism and it did not make a distinction between terrorism and the legitimate right of peoples to resist foreign occupation.

83. **Mr. Tekin** (Turkey) said he regretted that once again, there had been no consensus, particularly on a day when 27 innocent people had been deprived of their fundamental right to life as a result of the attacks in Istanbul. He hoped it would not take another September 11th for delegations that had voted against the draft resolution to reconsider their position.

Draft resolution A/C.3/58/L.55: National institutions for the promotion and protection of human rights

84. **The Chairman** said that the draft resolution had no programme budget implications. The Congo, Côte d'Ivoire, Cyprus, Ecuador, France, Gambia, Ghana, Honduras, Italy, Kenya, New Zealand, Panama, Slovakia, Slovenia, South Africa, Thailand, The former Yugoslav Republic of Macedonia and the United Kingdom of Great Britain and Northern Ireland had become sponsors of the draft resolution.

85. **Mr. de Barros** (Secretary of the Committee) read out the amendments made by India. On page 2 of the English text, in the third line of the eighth preambular paragraph, add the word "should" after "United Nations activities and programmes". On page 3, in the third line of paragraph 12, after "for sharing best practice, and", insert the word "further". In the same paragraph, after "High Commissioner", add the words "for Human Rights".

86. **Ms. Tomar** (India) said that Finland, Guyana, Haiti, Hungary, Nepal, Peru and Portugal had become sponsors of the draft resolution. She urged all delegations to support the text.

87. **The Chairman** said that Albania, Armenia, Belarus, Brazil, Fiji, Malta, Niger, the Republic of Moldova, the Russian Federation, Sweden, Switzerland and the United States of America had also become sponsors of the text.

88. *Draft resolution A/C.3/58/L.55 was adopted without a vote.*

Draft resolution A/C.3/58/L.56: Subregional Centre for Human Rights and Democracy in Central Africa

89. **The Chairman** said that the draft resolution had no programme budget implications.

90. **Ms. Mahouve** (Cameroon) said she hoped the draft resolution would be adopted by consensus.

91. **The Chairman** said that Benin and Niger had become sponsors of the draft resolution.

92. *Draft resolution A/C.3/58/L.56 was adopted without a vote.*

Draft resolution A/C.3/58/L.58: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

93. **Mr. de Barros** (Secretary of the Committee) read out a note from the Programme Planning and Budget Division concerning the draft resolution. In that note, the Division referred to article 14 of the draft resolution, in which the General Assembly requested the Secretary-General to provide the Special Representative with all necessary human, material and financial resources in order to enable her to continue to carry out her mandate effectively, including through country visits. Resources for those activities had already been included in the programme budget for the current biennium and would be included in the draft programme budget for the biennium 2004-2005. Consequently, the adoption of the draft resolution would not require any additional appropriation. He drew the attention of the Committee to the provisions of General Assembly resolution 45/248B, section VI, in which the Assembly reaffirmed that the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions were the appropriate bodies entrusted with responsibilities for administrative and budgetary matters.

94. **The Chairman** said that the following countries had become sponsors of the draft resolution: Albania, Bulgaria, Ecuador, Honduras, Mauritius, Micronesia (Federated Status of), Romania, Spain and the United Status of America.

95. **Mr. Naes** (Norway) said that the text contained certain errors and omissions, which he wished to correct in order to bring the draft resolution in line with the text that had been negotiated. In the seventh preambular paragraph, the phrase "and the particular consequences for women human rights defenders and defenders of rights of persons belonging to minorities" should be replaced by "and the severe consequences for women human rights defenders and defenders of persons belonging to minorities". In the ninth preambular paragraph, the words "and in promoting, strengthening and preserving democracy" should be added at the end of the paragraph. In the twelfth preambular paragraph, the words "Acknowledging the significant work conducted by the Special Representative of the Secretary-General during the first three years of her mandate," should be inserted before "Welcoming the cooperation". In the English text of paragraph 6, the word "under" should be inserted in the third line, before "international human rights law".

96. He announced that Morocco had become a sponsor of the draft resolution. The 71 sponsors hoped that the draft resolution would be adopted without a vote.

97. **The Chairman** said that Armenia, Benin, Bolivia and Niger had also become sponsors.

98. *Draft resolution A/C.3/58/L.58 was adopted without a vote.*

99. **Ms. Al Haj Ali** (Syrian Arab Republic) said that her delegation had joined the consensus, but wished to explain its position. The Declaration required States not to interfere in the domestic affairs of other States, not to be selective in cases of disagreement among them, to protect the human rights of individuals and peoples and to prevent massive human rights violations. Those obligations also applied to non-governmental organizations. It should be recalled, in that regard, that the allocation of resources was not a right but rather, it depended on the transparency of the activities, work and funding of such organizations. With regard to the reference in the Declaration to the right of all individuals to communicate with non-governmental organizations, it was obvious that those

organizations must have legal standing in the country concerned. Finally, her delegation regretted that the resolution placed emphasis on the rights of individuals, groups and associations that contributed to the promotion and protection of human rights and fundamental freedoms, but did not mention their responsibilities. As a result, there was a marked imbalance in the operative part of the draft resolution.

100. **Mr. Amorós Núñez** (Cuba) said that his delegation had concerns on three points. There was no reference to the duties and responsibilities of the groups, individuals and institutions covered by the draft resolution or to the fact that their activities must not in any way be contrary to the principles set forth in the United Nations Charter, although that issue was at the heart of the Declaration referred to in the draft resolution. In the view of his delegation, paragraph 3 did not mean that United Nations institutions in the field could ignore the mandate entrusted to them by the Organization. His delegation looked forward with great interest to the statements to be made by Canada, Liechtenstein, Switzerland or other delegations in connection with the draft resolutions that would be submitted year after year, both to the Commission on Human Rights and to the General Assembly, after the adoption of the draft resolution on the Declaration.

Draft resolution A/C.3/58/L.60: Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria

101. **The Chairman** said that the draft resolution had no programme budget implications. The following countries had become sponsors: Antigua and Barbuda, Barbados, Congo, Croatia, Democratic Republic of the Congo, El Salvador, Ethiopia, Haiti, Honduras, Kenya, Lesotho, Lithuania, Malawi, Mauritius, Namibia, Niger, Nigeria, Philippines, Rwanda, Saint Lucia, Sierra Leone, Swaziland, Tunisia, Uganda, United Republic of Tanzania, Zambia and Zimbabwe. Algeria, Benin, Bolivia, Grenada, India, Jamaica, Madagascar, Morocco, Mauritania, Nicaragua and Somalia had also decided to sponsor the draft resolution.

102. **Mr. de Barros** (Secretary of the Committee) read out the oral amendments made by Brazil when introducing the draft resolution. In the sixth preambular paragraph, the expression "Global Crisis — Global Action" should be inserted after the words "Declaration of Commitment on HIV/AIDS". In the English text, in the eighth preambular paragraph, the word "both" should be added before the words "of 18 May". In the sixteenth preambular paragraph of the English text, the phrase "World Health Organization report of 2003 on global tuberculosis control" should be replaced by the words "World Health Organization (WHO) global tuberculosis control report of 2003", and in the French text, the acronym "(OMS)" should be added after "Organisation mondiale de la santé". The nineteenth preambular paragraph should read as follows: "Recalling the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and Public Health adopted at the Fourth World Trade Organization Ministerial Conference in Doha in November 2001, and welcoming the World Trade Organization General Council decision of 30 August 2003 on the implementation of paragraph 6 of the Declaration".

103. **Mr. Meyer** (Brazil) said that his delegation was pleased that the General Assembly would be taking a decision on the draft resolution. He announced that Belgium, Ireland, Luxembourg, Monaco, Portugal and Trinidad and Tobago had joined the sponsors of the draft resolution, which was an updated version of a resolution adopted by consensus by the Commission on Human Rights earlier in the year. Some additional amendments should be made, as follows: In the third line of the thirteenth preambular paragraph, the word "causes" should be replaced by the word "is". In paragraph 4, in the English text, the phrase "in order progressively to realize" should be replaced by "in order to progressively realize".

104. **The Chairman** said that Austria, Djibouti, Fiji, Gabon and Indonesia had become sponsors of the draft resolution. A recorded vote had been requested.

105. **Mr. Meyer** (Brazil) asked which delegation had requested a recorded vote.

106. **The Chairman** replied that the request had been made by the United States.

107. **Mr. Fox** (United States of America), speaking in explanation of vote before the vote, said that unfortunately, despite all the efforts made by the United States to find language that would be acceptable to all, the draft resolution could not be adopted by consensus. His country attached great importance to the question under discussion and was taking steps to rapidly ensure global access to antiretroviral treatment, including through US$ 50 billion worth of aid under

the emergency plan to combat AIDS. On the previous day, Mr. Bush and Mr. Blair had issued a joint statement on HIV/AIDS in which they had stressed their determination to fight AIDS on all fronts by improving prevention and treatment of the pandemic. He was sorry that there had been no consensus on the thirteenth preambular paragraph; despite the constructive suggestions made by several delegations, the main sponsors had preferred an unbalanced formulation. In fact, HIV/AIDS itself was the global health emergency, and it must be fought on all fronts, as stated in the Declaration of Commitment adopted two years ago. For the reasons stated in his delegation's explanation of vote on draft resolution A/C.3/58/L.53, the United States could not accept the wording of the second preambular paragraph. His delegation did not agree with the idea that the highest attainable standard of health should be considered a right that would give rise to judicial or administrative recourse at the national and international levels. With regard to the first preambular paragraph, he said that his Government could not reaffirm the International Covenant on Economic, Social and Cultural Rights because it was not a party to it. His delegation was disappointed that the main sponsors of the draft resolution had not maintained the wording adopted in other texts. For all those reasons, his delegation had requested a recorded vote on the draft resolution.

108. *A recorded vote was taken on the draft resolution, as orally amended.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Marin, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America

Abstaining:

None.

109. *Draft resolution A/C.3/58/L.60 was adopted by 167 votes to one.*

The meeting rose at 6.10 p.m.